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No. 08-1426

Supreme Court, U.S.
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In The

Supreme Court of the United States

GEORGE M. PAPA and DEBRA JO PAPA,
Husband and Wife,

Petitioners,

v.

STATE OF ARIZONA; The Arizona Court of Appeals,
Division One; The Arizona Supreme Court;
RUTH V. MCGREGOR; JOHN C. GEMMILL; and
The Arizona Commission on Judicial Conduct,

Respondents.

On Petition For Writ Of Certiorari
To The United States Court Of Appeals
For The Ninth Circuit

PETITION FOR REHEARING

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PROLOGUE

This unique case confronts all the flaws of the falsely expanded and nationally misguided *Rooker-Feldman* doctrine, which sorely undercuts U.S. justice.

State courts make many uncorrected errors that injure numerous individuals. This Court cannot correct all of the individual state court errors that qualify to flood up to this Supreme Court for valid relief.

Arizona law requires all good cause multiple motions for reconsideration to be reviewed by the relevant Arizona courts to achieve paramount justice. Lower federal courts have jurisdiction to litigate the failure of this duty. However, these federal courts falsely refuse this jurisdiction due to their misapplication of the *Rooker-Feldman* doctrine.

State court administrative, legislative and rules promulgations are all non-judicial decisions which are reviewable by lower federal courts under 28 U.S.C. §§ 1257 and 1331, plus *Feldman* Part II. This oversight insures that state courts do the required "due processing" under 42 U.S.C. §§ 1981 and 1983 to assure that a state court litigant's civil rights under the Fifth and Fourteenth Amendments are preserved.

This Court can now improve national judicial quality by clarifying *Rooker-Feldman* to allow the lower federal courts to review claims against state courts for failure to provide due process to docket and review their own judgment errors, as required by law shown hereafter.

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JURISDICTION FOR REHEARING

This timely and compliant petition for rehearing is now brought pursuant to Rule 44(2).

Petitioners respectfully move this Court for an order (1) vacating its order of June 22, 2009, which denied the petition for writ of certiorari docketed on May 19, 2009, and (2) granting its order to reverse the Ninth Circuit's order of affirmation in this case, and (3) to remand this case to the Phoenix District Court to reverse its unfounded dismissal of this case and to grant relief in accordance with Part II of *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983), as well as *Noel v. Hall*, 341 F.3d 1148 (9th Cir., 2003). Or in the alternative, (4) grant the petition for writ of certiorari. The grounds that fully justify the above requests are stated below.

REASONS FOR GRANTING REHEARING

I. THIS CASE PROVIDES A SOLUTION TO THE PLAGUE OF STATE COURT ERRORS

State courts are rife with judgment errors. Part of the problem is because all judges are swamped with massive caseloads and they do not have the time or the resources to carefully research each case. It is typical in Arizona that each county superior court judge has from 1,000 to 1,500 active cases on their docket at once. Expediency is the norm and quality is minimal.

Appendix 1 to Appendix 7 are unrefuted paragraphs of poor judgment performance from Papa's Statement of Facts in Support of Summary Judgment.

Opposing counsel deliberately did not refute or deny any of Papa's 246 numbered paragraphs in his Statement of Facts, so these paragraphs are deemed to be true as per local federal rule 56.1.

The notion that the solution is an "up the ladder" appeal to a higher court, particularly to this Supreme Court, is a farce. This Court simply cannot take every worthy case that comes before it. For this reason, this Supreme Court should take this case for precedent to require higher judicial quality at the state level, which will reduce its own glut of petitions for relief.

II. STATE COURTS MUST FIX THEIR OWN ERRORS

Arizona requires its judges to immediately fix their own errors. *See* Rule 3 of the Arizona Rules of Civil Appellate Procedure plus Arizona Supreme Court Advisory Opinion 92-10 and the Arizona Constitution, Articles 2, and 6.1 § 4A, which requires all Arizona courts to consider all "good cause" motions for reconsideration, at the pain of removal of those judges who repeatedly violate this directive.

Many case law precedents like *Lindus v. Northern Ins. Co*, 103 Ariz. 160 (1968); *Overson v.*

Martin, 90 Ariz. 151, 367 P.2d 203 (1961) and *Gondeck v. Pan Am. Airways*, 382 U.S. 25 (1965) specify that multiple motions for reconsideration be processed for correction when "good cause" to do so is presented.

Arizona Revised Statutes §§ 12-820-823 (1984) waived Arizona's Eleventh Amendment Sovereign Immunity and pointedly makes Arizona liable for the negligent and omission misconduct of its courts and judges regarding express due process failures.

It is not a matter of creating new law to accomplish this object. The necessary laws are already on the books, and it is only a matter of enforcing these existing laws, rules, regulations and precedents, which this case exemplifies for the enormous betterment of the nation.

This case is a first-time "original jurisdiction" case that does not ask a lower federal court to undo any state court *judicial quality* judgment. Instead, this suit only attacks the "jural in Arizona" state courts for not following their own laws to correct their own errors. Since these new defendants and issues have never been litigated before, and no federal court was asked to directly overturn a *judicial judgment*, then this case does not conflict with either 28 U.S.C. §§ 1257 or 1331, so *Rooker-Feldman* has no legal basis to upend U.S. law to dismiss this case as was ruled in error below.

By letting this quirk stand, numerous citizens will **continue** to be deprived of their true 28 U.S.C.

§§ 1257 and 1331 oversight protections, which have led to Fifth Amendment and Fourteenth Amendment losses, plus their 42 U.S.C. §§ 1981 and 1983 due process rights as well.

III. THE *ROOKER-FELDMAN* FLAW THAT PREVENTS STATE COURT OVERSIGHT

The *Rooker-Feldman* doctrine is not a constitutional or a congressional law. It is only a phrase coined from two decisions by this Supreme Court regarding lower federal court review of state court activities. The first case was *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923). Sixty years later, the second case was *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983).

This limited guidance has invited the lower courts to speculate their own "notions" as to what the true *Rooker-Feldman* doctrine actually is, which caused the **Res Judicata** version, the **Marshal** version, the ***GASH*** version and the **Noel** version, all of which are woefully divergent. This massive confusion for both the courts and litigants should not persist.

IV. THE KEY *FELDMAN* CASE CONTROLS

The controlling Supreme Court case of *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983) establishes two independent parts, which Papa now calls *Feldman* Part I, and *Feldman* Part II.

Feldman Part I correctly affirms that a lower federal court has no appellate capacity to overturn a judicial-quality state court "judgment," which can only be done by this Supreme Court as required by 28 U.S.C. § 1257. This is the well-known primary thrust of *Feldman*.

However, in separate Part II, at pp. 483 of *Feldman*, this Court ruled there are many state court "rules" promulgations, plus other "ministrative" or "legislative" doings by a state court, that are not **judicial** proceedings, and that these separate state court acts are not forbidden for lower federal court review because these are not appeals with a path to this Court for review, so these acts are not barred by 28 U.S.C. §§ 1257 or 1331 for lower federal court litigation. This Court ruled as follows:

> To the extent that Hickey and Feldman mounted a general challenge to the constitutionality of Rule 461(b)(3), however, the District Court **did have** subject matter jurisdiction over their complaint.
>
> A crucial question in this case, therefore, is whether the proceedings before the District of Columbia Court of Appeals were **judicial** in nature. As the District of Columbia Circuit recognized, it is a question of federal law whether "a particular proceeding before another tribunal was truly judicial" for purposes of ascertaining the jurisdiction of a federal court.

This Court has considered the distinction between judicial and administrative or ministerial proceedings on several occasions. *Prentis v. Atlantic Coast Line,* 211 U.S. 210 (1908).

A **judicial inquiry** investigates, declares and enforces liabilities as they stand on present or past facts and under laws supposed already to exist. That is the purpose and end. **Legislation** on the other hand looks to the future and changes existing conditions by making a new rule to be applied thereafter to all or some part of those subject to its power.

We have recognized that state supreme courts may act in a non-judicial capacity in promulgating **rules** regulating the bar. (Citations omitted). Challenges to the constitutionality of state bar rules, therefore, do not necessarily require a United States District Court to review a final state court judgment in a judicial proceeding.

Instead, the District Court may simply be asked to assess the **validity** of a rule promulgated in a non-judicial proceeding. If this is the case, the District Court is not reviewing a state court judicial decision. In this regard, 28 U.S.C. § 1257 **does not act** as a bar to the District Court's consideration of the case and because the proceedings giving rise to the rule are non-judicial, the policies prohibiting United States District

> Court review of final state court judgments **are not** implicated.
>
> The respondents' claims that the **rule** is unconstitutional . . . **do not** require review of a judicial decision in a particular case. The District Court, therefore, has subject matter jurisdiction over these elements of the respondents' complaints.
>
> The judgment of the District of Columbia Circuit is vacated and the cases are remanded to the District Court for further proceedings consistent with this opinion.

The above key case of *Feldman, supra*, orders that **non-judicial** decisions by state courts are reviewable for relief in federal district court, such as "administrative," "legislative" and "rules" promulgations.

V. THE COMMON FALLACY OF *ROOKER-FELDMAN* AS SHOWN IN *PAPA*

Papa argued in his complaint that *Rooker-Feldman* did not apply and opposing counsel agreed by not arguing for *Rooker-Feldman* in his motion to dismiss. Rather than to litigate this case as provided by 28 U.S.C. §§ 1257 and 1331, the lower district court overruled opposing counsel and ordered its own false and mere *sua sponte* notion of *Rooker-Feldman* as now shown below:

> In the instant action, plaintiffs attempt to draw a distinction between (1) the [rules] elements of their complaint that challenge the state courts' decisions to summarily reject their multitudinous motions for reconsideration [under *Feldman* Part II], and (2) the [appeal] elements of their complaint that attack the state court's judgments on the merits of plaintiff's lawsuit. However, such a distinction here is one **without meaning.** Plaintiff's [rules] challenge to the summary rejection of their multitudinous motions for reconsideration [under *Feldman* Part II] is inextricably intertwined with Plaintiffs' de facto challenge to the judgments on the merits of their lawsuit [forbidden appeal under *Feldman* Part I].

If this above ruling is correct, then why was Mr. Feldman's and Mr. Hickey's "rule" claim against the D.C. (State) court remanded by this Supreme Court back to the lower federal court for review?

Jural "rules" complaints and non-jural "appeal" complaints **are not** one and the same "without meaning." Neither are they "inextricably intertwined" with each other to form a forbidden "de facto appeal" to cause dismissal of the entire case. This ongoing misconception of the law must be nationally clarified.

On appeal, the Ninth Circuit affirmed as follows:

> The district court properly concluded that the *Rooker-Feldman* doctrine barred the Papas' action because it is a "de facto appeal"

> of state court decisions, and raises constitutional claims that are "inextricably interwined" with those prior state court decisions. *See Reusser v. Wachovia Bank, N.A.*, 525 F.3d 855, 859 (9th Cir. 2008) (explaining that a federal action is barred if adjudication of the federal claims would undermine the state ruling or require the district court to review the **application** of state laws or procedural rules).

It is not the **application** of the state rules that Papa attacked, but rather the **validity** of the state rules that Papa attacked, which is an expressly jural issue as per 28 U.S.C. §§ 1257 and 1331, plus *Feldman* Part II. This very crucial difference is the crux of this entire case.

This usurpation of U.S. law is the false expansion of the *Rooker-Feldman* "doctrine," which has spread nationally to rob untold justice. Not *ALL* state court acts are barred from review by lower federal courts.

Key *Feldman* Part II rules that district courts **do have** jurisdiction to review the **"validity"** of state court rules for their constitutional correctness. Conversely, *Feldman* Part I properly rules that lower federal courts **do *not* have** power to review the **"application"** of state court rules, which is a forbidden *appeal* of a judicial *judgment* that only this Supreme Court can perform.

The Ninth Circuit substituted the word *application* for the word *validity*. This error invents a

prohibited "appeal" rather than to accept a jural "rule" inquiry. The Ninth Circuit's own case of *Noel v. Hall*, 341 F.3d 1148 (2003) correctly rules the true distinction. *Noel* is in full conformity with key *Feldman* Part II and rules the opposite of *Reusser* on this critical point.

Papa should be reversed and remanded to be in conformity with either *Noel* or *Feldman* Part II or both. The Ninth Circuit erroneously seized on *Reusser* to conveniently dismiss *Papa*, yet *Papa* is far distinguished from *Reusser*. (1) *Reusser* was an illegal "appeal" of a prior-litigated and "non-original" California State court case into a lower federal court, which is barred by 28 U.S.C. § 1331. Papa is a true *original jurisdiction* suit that had not been litigated before, so *Papa* conformed to 28 U.S.C. § 1331, which *Reusser* did not do.

Also (2) *Papa* did not attack the **application** of any state court rule, which is a forbidden "appeal" that is reserved only for this Supreme Court to review. Instead, *Papa* only attacked the **validity** of the rule itself, which was non-judicially and *legislatively* changed, as shown below, to alter present policy to be false future policy that injured Papa. Such a "rule" attack is jural for federal court review and relief as per Arizona law, because *Papa* is not afowl of 28 U.S.C. § 1257, or the true application of the properly limited *Rooker-Feldman* doctrine. *Reusser* was falsely deployed to wrongfully dismiss the far distinguished case of *Papa*.

Feldman Part II orders that clear subject matter jurisdiction exists for lower federal courts to review all claims against state court "validity of a rule" issues as follows:

> Instead, the District Court may simply be asked to assess the **validity of a rule** promulgated in a non-judicial proceeding. If this is the case, the District Court is not reviewing a state court judicial decision. In this regard, **28 U.S.C. § 1257 does not** act as a bar to the District Court's consideration of the case and because the proceedings giving rise to the rule are non-judicial, the policies prohibiting United States District Court review of final state court judgments **are not implicated.**

Papa challenged the *validity* of an invented state court rule mailed to Papa from Philip G. Urry, Clerk of the Arizona Court of Appeals on September 7, 2005, which new rule is stated in part:

> Arizona Rules of Civil Appellate Procedure (ARCAP), contains no provision permitting the filing of multiple motions for reconsideration of a single decision of the Court of Appeals, and makes no provision for filing a motion for reconsideration beyond the original due date for such a motion or extension of that due date sought and granted under ARCAP 23(j).

Papa is entitled to attack the above departure from true law that required the named defendants to impartially process Papa's good cause motions for

reconsideration. ARCAP Rule 23 continues to prescribe as follows:

> Review **procedure** is intended for those cases in which there is a tenable claim involving substantial issues of law or procedure, or in which serious injustice is claimed to have occurred.

Papa sought to enforce this above law, and the failure to obey other existing law that further required defendants to process and to reconsider their own judgment errors, which action in federal court is jural under 28 U.S.C. §§ 1257 and 1331 as shown.

Further precedent for due process enforcement is that, three years after its own unjust denial for rehearing, this Supreme Court reversed its prior misstep and **ordered** that justice trumps stifling rules, or the absence of adequate rules, that may cause injustice. *See Gondeck, supra*, quoted below:

> The interest of justice would make unfair the strict application of our rules. *United States v. Ohio Power Co., supra,* 353 U.S. at 99, 77 S.Ct. at 653, 1 L.Ed. 2d 683.

Rooker-Feldman must not bar federal court claims against state courts for their **due process** failure to abide by the above *Gondeck* **order** and also the true and extended mandate of ARCAP 23(j) as well as other rules and case law shown herein.

VI. CONCLUSION

State and federal courts often fail to match the correct law with the correct evidence, which causes false judgments. The solution, as established by law, is for these errors to be corrected at the source and not just be allowed to clutter the appellate courts.

Papa was falsely denied the enforcement of this legal consideration due to the misapplication of *Rooker-Feldman*, which this Supreme Court should now reverse for the national good.

The *Rooker-Feldman* "doctrine" has grown to be both a heinous sword and an egregious shield that wrongfully **protects** false state court judgments as shown. This mere judicial doctrine has mutated from 28 U.S.C. §§ 1257 and 1331 into an out-of-control monster to cause untold injury throughout the nation, which this Supreme Court should now correct.

Surely at least one law clerk somewhere within the massive and marbled halls of this United States Supreme Court should see this awesome truth, and boldly step forward, as *pro se* Papa has done, to champion this noble and landmark cause for national justice.

DATED: July 14, 2009.

Respectfully submitted,

GEORGE M. PAPA AND DEBRA JO PAPA
Pro Se Petitioners

GOOD FAITH CERTIFICATION OF UNREPRESENTED PETITIONER

Pursuant to Rule 44(2), we hereby certify that this Petition for Rehearing is brought in good faith and it is not interposed for the purpose of delay and it is further restricted to the grounds specified in Rule 44(2).

Dated: July 14, 2009.

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George M. Papa and Debra Jo Papa
Pro Se Petitioners

¶ 48. (**From *Papa v. Roberts***) The [Ariz.] Appeals Court confused the foreign and inappropriate law of "precise compliance" with the true and applicable law of "procuring cause". Specifically, the court ruled in error as follows at pp. 10 of its Memorandum Decision, beginning at line 11, which ruling is blatantly contrary to all law and evidence shown: ***See***: Memorandum Decision, Exhibit 1.

> In order for a broker to recover a commission, he must show he has produced a ready, willing and able buyer **on the precise terms stipulated by the seller in his listing agreement.** *Bishop v. Norell*, 88 148, 152, 353 P.2d 1022, 1025 (1960).
>
> It cannot be said, however, that (Papa) produced the Tribe as a ready, willing and able purchaser **on the terms offered by the seller.**
>
> There is nothing in the record indicating that Roberts would have agreed to an exchange of lands instead of the sale of the land.
>
> Therefore, Papa cannot be said to be the procuring cause of the sale.

¶ 49. Under the true law of Procuring Cause, which befuddled the Appeals Court, since Roberts accepted and got gain from Resolution B, which Papa timely procured for Roberts, then Papa was entitled to his agreed upon commission from Roberts. Moreover, since the Listing specified that "Broker gets paid as Seller is paid, including in kind as may be the case **should an exchange be effected**", then clearly

Roberts anticipated an exchange with the Tribe, and agreed to pay the established commission accordingly, if a land exchange with the Tribe should be effected. ***See***: Law of Procuring Cause, as stated, together with the Listing Agreement, Exhibit 3 attached.

¶ 97. (**From *Papa v. Spurlock***) Also, Bryan Murphy (Spurlock's counsel), misled the court to falsely believe that Papa was not entitled to his proper real estate sales fee because the Listing expired before the close of escrow. Moreover, in July, 1987, one month after the false Memorandum Decision in the preceding *Roberts* case, Bryan Murphy **further** deceived and tainted the Spurlock court by wrongfully exhibiting to Judge Hilliard the false Memorandum Decision from the earlier and sister *Papa v. Roberts* case, wherein Papa likewise sold the neighboring Roberts Ranch to the same Navajo Tribe of Indians under the same circumstances, which included a similar written Listing and the same timely origination by Papa of Tribal Resolution B, during his Listing term, which Resolution also named the Roberts Ranch, as well as the Spurlock Ranch for acquisition by BLM for the Navajos. Not only was the *Roberts* Memorandum Decision false, but it never should have been given to the court by opposing counsel, to bias the Judge, because it was only a "Memorandum Decision", Exhibit 1 attached.

¶ 98. The false *Roberts* Memorandum Decision also contained the gross error that because Papa's Robert's Listing had expired, prior to the close of escrow that Papa was not entitled to his true real estate

sales fee. ***See***: Roberts Memorandum Decision, Exhibit 1 attached. The Arizona Courts simply did not rule according to the law or the evidence, nor did they correct their own error – after being shown the error many times – that the key to earning a real estate sales commission was to officially *originate* the deal, during the Listing term, and not to mechanically *close* the deal, during the Listing term. ***See*** Law and ¶ LIX to Papa's Complaint.

¶ 99. When Papa complained to the Arizona State Bar as to the misconduct of Spurlock's counsel, the State Bar agreed and reprimanded Bryan Murphy for wrongfully introducing the improper *Roberts* Memorandum Decision, as evidence, into the deliberations of the Spurlock case that was then in front of Judge Ruth Hilliard, of the Maricopa County Superior Court. ***See***: Letter from the Arizona State Bar, Exhibit 38 attached, it was illegal for Bryan Murphy to prejudice and taint Judge Hilliard's rulings with the false Robert's Memorandum Decision. Not only did Judge Hilliard's rulings then reflect bias and false law interpretations against Papa, but it also caused Papa's attorney to lose faith that the true judgment could be obtained from the Hilliard court. ***See***: Law and Letter, Exhibit 41.

¶ 108. Both the Roberts and Spurlock courts failed to properly understand or adjudge the law. As the result, Plaintiffs were injured and lost property contrary to U.S. Code and Statutory protections, as well as Arizona Law. ***See***: Record and the Exhibits to this Verified Statement of Facts.

¶ 109. Plaintiffs now ask this federal court to cure their injury that Defendants (named state employees) imposed by misjudging the law **and also, by ignoring many motions for correction thereafter, which caused loss in violation of U.S.C. §§ 1343, 1981, 1983 and 1985.**

¶ 135. **(From *Papa v. Arizona Corporation Commission*).** Judge Kenneth Fields ruled that this case was not a Regulatory case, but instead was a tort case, based upon negligence by ACC, and that Plaintiffs (Papa) did not have to skip Superior Court and go directly to the Appeals Court. Since this was a tort case, ACC likewise did not have quasi-judicial immunity. Judge Fields also reviewed my Notice of Claim from the bench and determined it was adequate as to both timing and content. However, Judge Fields did rule that because Papa did not wait the required 60 days before filing the Complaint in Superior Court, that Papa had express "leave of court" to re-file the case, after waiting the full 60 days required by law, to see if the State would settle out of court, in accordance with A.R.S. § 12-821.01(E). ***See***: Transcript, Exhibit 45 and A.R.S. § 12-821.01

¶ 136. Since the Notice of Claim was examined by Judge Fields and he ruled that Papa could re-file based on that Notice of Claim, then *res judicata* applied to prevent further litigation on Papa's notice of Claim. ***See***: Transcript, Exhibit 45.

¶ 137. Opposing Counsel, Rosa Mroz [From the State Attorney General's Office] prepared an Order of

Dismissal for Judge Fields to sign. However, her proposed form of the Dismissal Order wrongfully stated dismissal "with" prejudice, instead of dismissal "without" prejudice. ***See***: Form of Order, Exhibit 46 attached.

¶ 138. Papa confronted Rosa Mroz regarding this error and she agreed to immediately correct it. Rosa Mroz corrected and mailed to Papa the proper form of Order stating dismissal "without" prejudice. ***See***: Exhibit 47 attached.

¶ 139. HOWEVER, Ms. Mroz did not mail the new and true "form of Order" for Judge Fields to sign, so Judge Fields inadvertently signed the first but false Order and sent it only to Ms. Mroz, who did not forward a copy of this false Order for Papa in *Papa II*. ***See***: Exhibit "C" and ¶ XXXII to the Verified Complaint and Affidavit of Geneva Johnson, secretary to Rose Mroz, Exhibit 49 attached.

¶ 140. When Papa re-filed his case in good faith, **then** Rosa Mroz sprang with her false Order, which she knew to be false, to new Judge Hutt . . .

¶141 . . . which was that Judge Fields had already dismissed this case "with prejudice", which was a lie. This argument was contrary to the Transcript, and contrary to any written Minute Entry by Judge Fields. This hoax was purely the result of Rosa Mroz inventing and manufacturing a false Order, Exhibit 50, that she deceived Judge Fields into signing, then Rosa Mroz unethically and fraudulently sprang it on new Judge Sherry Hutt. ***See***: Transcript, Exhibit 45

attached, plus false Order and corrected Order by Judge Fields, Exhibit 50 and 52 attached to this Statement of Facts.

¶ 146. Judge Hutt was tainted and prejudiced against Papa, as shown by Judge Hutt's Dismissal Order that mirrored exactly the lies and prejudices that Rosa Mroz had fraudulently planted and established. ***See***: Order of Dismissal from Judge Hutt, Exhibit 53 attached. Evidence abounds that Judge Hutt's judgment was directly the result of her total misconception of what actually happened in *Papa I*, before Judge Fields.

¶ 149. On Appeal, the Appeals Court wrongfully upheld all of the lower Superior Court Judgments against Papa. Appellate Judge Patrick Irvine wrote the Memorandum Decision against Papa. Judge Irvine never should have been on the panel to decide my case, because he had served for years in the same Attorney General's office that was now defending this case, and it was impossible for Judge Irvine to avoid being biased in favor of his former buddies and fellow lawyers at the AG's office, as shown in the Memorandum Decision. ***See***: Exhibit 42 attached.

¶ 150. Judge Irvine then sought to be appointed to the bench of the Arizona Supreme Court. At hearing on his nomination at which Papa was present, Judge Irvine stated that Appellate work loads are overwhelming, and pressure is huge to hurry up and dispose of cases, so the court must give preference to litigants who have attorneys, because *pro se* litigants,

(like Papa) who do not have counsel, cannot be trusted to know the law. ***See***: Complaint at ¶¶ XXXVI and CXXIX.